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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 08/520,711 | 08/29/95 | SUMNER | G SU-1443C |

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34M1/0219

| EXAMINER | |
|------------|--------------|
| BRINSON, P | |
| ART UNIT | PAPER NUMBER |
| 3405 | |

DATE MAILED: 02/19/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/520,711

Applicant(s)
Glen R. Sumner

Examiner
Patrick F. Brinson

Group Art Unit
3405



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 1-20 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35

U.S.C. 121:

Group I. Claims 1-7, drawn to a pipeline with a bituminous composition laminated onto a surface thereof, classified in Class 138, subclass 149.

Group II. Claims 8-12, drawn to a pipeline with a bituminous composition laminated onto a surface thereof, classified in Class 138, subclass 149.

Group III. Claims 13-19, drawn to pipeline with a bituminous composition laminated onto a surface thereof, classified in Class 138, subclass 149.

Group IV. Claim 20, drawn to a bundle of pipelines, classified in Class 138, subclass 116.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Groups I and II are disclosed as different combinations which are not connected in design, operation or effect. These combinations are independent if it can be shown that [1] they are not disclosed as capable of use together, [2] they have different modes of operation, [3] they have different functions, or [4] they have different effects. [MPEP 806.04,

MPEP 808.01]. In the instant case the combinations they have different modes of operation, wherein the invention of Group I does not require the composition to have a polymeric modifier that forms a network of continuous phase, as is required by the invention of Group II.

3. Inventions of Groups I and III are disclosed as different combinations which are not connected in design, operation or effect. These combinations are independent if it can be shown that [1] they are not disclosed as capable of use together, [2] they have different modes of operation, [3] they have different functions, or [4] they have different effects. [MPEP 806.04, MPEP 808.01]. In the instant case the combinations have different modes of operation, wherein the invention of Group I does not require mechanical means for preventing the pipe from moving under its weight relative to the composition, as is required by the invention of Group III.

4. Inventions of Groups I and IV are disclosed as different combinations which are not connected in design, operation or effect. These combinations are independent if it can be shown that [1] they are not disclosed as capable of use together, [2] they have different modes of operation, [3] they have different functions, or [4] they have different effects. [MPEP 806.04, MPEP 808.01]. In the instant case the combinations have different functions wherein the invention of Group I does not require a bundle of pipelines comprising at least one fluid carrier pipe that is thermally connected by a thermally conductive medium to a heating element, as is

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required by the invention of Group IV.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II, III, and/or IV, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PATRICK F. BRINSON** whose telephone number is (703) 308-0111.

Patrick Brinson
Primary **PATRICK BRINSON**
PATENT EXAMINER
GROUP 3400

P. F. Brinson
February 18, 1997